



JERRY HEASTER

Science or smoke screen?

The tobacco industry may have been a victim of bad science when the Environmental Protection Agency recently declared that passive smoking poses a major threat of lung cancer to non-smokers.

Although the mainstream media haven't raised serious questions about the EPA's methodology, an analysis by *Investor's Business Daily* this week indicates that some medical and scientific observers remain skeptical.

If it turns out that the EPA's work is less than valid, the problem goes beyond an unfair use of tax dollars to damage the economic interests of stakeholders in a legal, tax-paying business. If the EPA's science proves to have been shoddy, government also has alarmed many people unduly about the potential harm from environmental tobacco smoke. The report, for instance, has added to worry about passive smoke in the workplace, but none of the studies used by EPA involved the workplace. Neither did the EPA's work concern itself with effects on children.

While nearly everyone agrees that smoking is bad for the health, the objections to the EPA initiative have to do with method and motivation. After setting itself up to be able to claim that some 3,000 deaths occur annually because of passive smoking, the government can easily justify regulatory intervention to deal with the problem. And given the lethal nature of the perceived threat,

who would be foolish enough to object?

But if the problem isn't real, society has been badly served by its government. And the questions raised by Michael Fumento in *Investor's Business Daily* are cause for serious concern regardless of how anybody feels about tobacco companies or smokers.

Fumento reported that one major flaw in the EPA effort was how it took 11 studies of spouses of smokers and presented them as a body of evidence to make its case. In fact, Fumento said, only one of the 11 studies showed a statistically significant increase in cancer. The rest were described as statistically neutral.

Meanwhile, the tobacco industry has complained that the EPA left out of its analysis a study in November's *American Journal of Public Health* that if included with the 11 other studies would have resulted in no statistically significant findings. The EPA's response, not surprisingly, was that it was too far along in its work to include this data.

Another criticism was the EPA's lack of attention to other contributing factors associated with lung cancer. These range from nutrition to family history to exposure to other carcinogens such as asbestos or radon.

Perhaps most damaging to the credibility of the EPA research, however, was the way the agency departed from the "confidence intervals" usually used. Instead of using an interval of 95 percent, Fumento said, it went with a 90 percent confidence interval when averaging the studies. The difference is critical, Fumento says, because if the EPA had used the 95 percent standard, the result wouldn't have been statistically significant and passive smoking wouldn't have qualified as a type A carcinogen.

The positive aspect of this sort of challenge is its fresh perspective. While secondhand smoke may still be highly disagreeable to many, it's good to know that exposure may not be the life-threatening experience claimed by the EPA.

There's nothing wrong, of course, with government trying to promote the general welfare. But using tax dollars to finance questionable government efforts to undermine the interests of those engaged in legitimate business does not further this constitutional mandate.

Jerry Heaster's column appears Wednesdays, Fridays and Saturdays in the Business section.

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